Court of Appeals
Tenth Appellate District of Texas

10-26-00132-CR

Madyson Rae Hendricks aka Madyson Mascilli,
Appellant

v.

The State of Texas,
Appellee

On appeal from the
12th District Court of Walker County, Texas
Judge David W. Moorman, presiding
Trial Court No. 32510

PER CURIAM order of the Court.

O R D E R

Appellant represented herself at trial in this proceeding. Thereafter, Appellant filed a pro se notice of appeal and marked out the line "APPOINT appellate counsel to represent him/her." However, the record does not reflect that she has waived the right to counsel on appeal in writing or that she has been admonished of the dangers and disadvantages of self-representation on appeal.

The United States Supreme Court has held that there is no constitutional right to represent oneself on appeal. *Martinez v. Court of Appeal of Cal., Fourth Appellate Dist.*, 528 U.S. 152, 163, 120 S.Ct. 684, 692, 145 L.Ed.2d 597 (2000); *see Fewins v. State*, 170 S.W.3d 293, 295 (Tex. App.—Waco 2005, order) (per curiam) (clarifying that "article I, section 10 of the Texas Constitution does not confer the right of self-representation afforded by the Sixth Amendment under *Faretta*" (footnote omitted)). However, a criminal defendant does have a statutory right to self-representation on appeal. *See* TEX. CODE CRIM. PROC. ANN. art. 1.051(d)(1), (f); *see also Sickles v. State*, 170 S.W.3d 298, 299 (Tex. App.—Waco 2005, order) (per curiam). Subsection *f* of article 1.051 of the Code of Criminal Procedure authorizes a criminal defendant to waive his or her right to appointed counsel, so long as the waiver is made "voluntarily and intelligently" and "in writing." TEX. CODE CRIM. PROC. ANN. art. 1.051(f). Once the right to self-representation is asserted, the trial judge must inform the defendant about "the dangers and disadvantages of self-representation," so that the record will establish that he or she knows what he or she is doing and that the choice is made with eyes open. *See id.* art. 1.051(g). If the court determines that the criminal defendant has voluntarily and intelligently waived his or her right to counsel, the court shall require the

defendant to execute a written waiver of counsel that substantially complies with article 1.051(g). *See id.* art. 1.051(f), (g).

Accordingly, we abate this appeal and remand this cause to the trial court to conduct a hearing on or before **Tuesday, June 30, 2026** to determine whether Hendricks desires to represent herself on appeal. If Hendricks desires to represent herself on appeal, the trial court must admonish her on the record "of the dangers and disadvantages of self-representation." *See id.* art. 1.051(g); *Fewins*, 170 S.W.3d at 294. If the court determines that Hendricks has voluntarily and intelligently waived her right to counsel, the court shall require her to execute a written waiver of counsel that substantially complies with article 1.051(g). *See id.* art. 1.051(f), (g); *Fewins*, 170 S.W.3d at 294.

The trial court clerk shall file the written waiver and the court reporter shall submit the reporter's record of the hearing on or before Tuesday, July 14, 2026. This appeal will be reinstated upon the filing of the clerk's and reporter's records, or **Tuesday, July 14, 2026**, whichever is earlier.

ORDER ISSUED and FILED: June 9, 2026

Before Chief Justice Johnson,
Justice Smith, and
Justice Harris
Appeal abated and remanded